

**REMARKS**

In the amendments above, Claims 4 and 6 have been cancelled, Claims 7, 10, 68, 69, 82, and 83 have been amended, and new Claims 84 to 110 have been added, to more particularly point out and distinctly claim Applicants' invention. Support for the newly added claims can be found, for example, as follows:

<b><u>CLAIM</u></b>	<b><u>SUPPORT</u></b>
84	Claims 2 and 75
85	Claim 3
86	Claim 5
87	Claim 7
88	Claim 9
89	Claim 10
90	Claim 11
91	Claim 12
92	Claim 61
93	Claim 63
94	Claim 64
95	Claim 65

96	Claim 66
97	Claim 67
98	Claim 68
99	Claim 69
100	Claim 72
101	Claim 73
102	Claim 74
103	Claim 76
104	Claim 79
105	Claim 80
106	Claim 81
107	Claim 82
108	Claim 83
109	Claims 2 and 69
110	Claim 68

**Telephonic Interview**

Applicants thank Examiner Hogapian and Examiner Azpuru for the courtesy of a telephonic interview to discuss the above application and the Office Action. Applicants' undersigned attorney attempted to elicit the Examiners' thoughts about the possibility of

recapturing non-elected subject matter upon the allowance of claims herein. However, the Examiners maintained that it was premature to consider recapture before having more claims allowed.

### **Objection to Claim 8**

Claim 8 has been objected to. The Examiner's attention is directed to the amendments above, where Claim 8 has been cancelled.

### **35 U.S.C. § 112 Rejection**

Claims 6, 7, 10, 68, 60, 82, and 83 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner's attention is directed to the amendments above, wherein it is believed that this rejection has been overcome.

### **35 U.S.C. §§ 102(a/e) and 103(a) Rejections**

Claims 2, 5, 7-12, 61, 63-67, 72-74, 76, and 79-83 have been rejected under 35 U.S.C. § 102(a/e) as being anticipated by Thomson, U.S. Published Patent Application No. 2002/0018884 ("Thomson"), and Claims 3, 68, and 69 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomson in view of Pinchuk, U.S. Patent No. 5,229,431 ("Pinchuk"). Claims 4, 6, and 75 have only been objected to as being dependent on a rejected base claim.

The Examiner's attention is again directed to the amendments above where the claims have been carefully amended to focus on the subject matter that has not been rejected over the prior art. More particularly, the limitation of "objected to" Claim 4 has been incorporated into Claim 2, and therefore amended Claim 2 and the claims dependent thereon should be allowable over the cited art. In newly added Claims 84 to 108, Claim

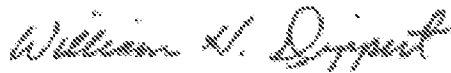
84 corresponds to Claim 2 with the limitation of "objected to" Claim 75 incorporated therein. New dependent Claims 85 to 108 substantially correspond to the claims dependent on Claim 2.

By virtue of the amendments to the claims and the addition of new Claims 84 to 108, Applicants have carefully overcome the objection to Claim 8 and the § 112 rejection and have focussed on the subject matter that the Examiner indicated was free from the prior art. In addition, Claims 109 and 110 are believed to encompass implants having scaffold material readily distinguishable from the teachings of the prior art. Therefore, each of the claims herein is believed to be in allowable condition.

Should the claims herein be allowable but for minor matters that could be the subject of a supplemental submission or an Examiner's Amendment, Applicants would appreciate the Examiner's contacting Applicants' undersigned attorney.

Reconsideration and allowance of all the claims herein are respectfully requested.

Respectfully submitted,



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William H. Dippert  
Registration No. 26,723

Wolf, Block, Schorr & Solis-Cohen LLP  
250 Park Avenue  
New York, New York 10177-0030  
Telephone: 212.986.1116  
Facsimile: 212.986.0604  
e-Mail: [wdippert@wolfblock.com](mailto:wdippert@wolfblock.com)